

Message Text

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ORIGIN NEA-10

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P R 210105Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY ALGIERS PRIORITY
INFO AMEMBASSY BONN
AMEMBASSY TOKYO
AMEMBASSY RABAT
USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: PINS, AG

SUBJECT: ALGERIAN HIJACKING POLICY

REF: (A) ALGIERS 0200 (NOTAL), (B) STATE 013411 (NOTAL)

1. ALGERIAN DCM DEBAGHA PROVIDED AFN DIRECTOR BISHOP ON
JANUARY 20 WITH FOLLOWING RESPONSES TO QUESTIONS RAISED
DURING MEETING DESCRIBED REFTEL B.

2. GOA HAS NOT ADHERED TO MONTREAL CONVENTION AND
ABSTAINED ON HAGUE CONVENTION. GOA CONSIDERS TOKYO CON-
VENTION OUTDATED BY MONTREAL CONVENTION. GOA CONSIDERS
MONTREAL AND HAGUE CONVENTIONS INACCEPTABLE FIRST BECAUSE
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THEY DO NOT DISTINGUISH BETWEEN CRIMINAL AND POLITICAL ACTS,
SECOND BECAUSE THEY FORESEE EXTRADITION AND THUS IMPLY A
SURRENDER OF SOVEREIGNTY, AND THIRD BECAUSE THEY ATTACK
THE PRINCIPLE OF THE INDEPENDENCE OF JUDGES.

3. ALGERIAN LAW ON HIJACKING IS ORDINANCE 7348 OF JULY 7,
1973, WHICH FORESEES THE DEATH PENALTY IN CASES WHERE THE

HIJACKING RESULTS IN DEATH.

4. THE HIJACKING POLICY OF THE GOA WAS FURTHER ELABORATED

DURING THE AUGUST 1977 UN MEETINGS ON THE CREATION OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES. ALGERIA TOOK THE POSITION THAT THE TAKING OF HOSTAGES CAN RESULT FROM TENSIONS WHICH ARE DISTURBING THE WORLD OR THE CONTINUATION OF SOME TYPE OF COLONIALISM, E.G. THAT OF THE PALESTINIANS, WHO FIGHT TO RECOVER THEIR RIGHTS, ALSO THE POLITICS OF APARTHEID. AS DISCUSSED IN NEW YORK, THE CONVENTION WOULD BE RESTRICTIVE, I.E., IT WOULD NOT DEAL WITH THESE PROBLEMS. GOA BELIEVES THERE MUST BE PROTECTION FOR THE RIGHTS OF A PEOPLE WHO USE VIOLENT ACTION AGAINST A COLONIAL REGIME, OR TO RECOVER THEIR LEGITIMATE RIGHTS, OR TO CORRECT AN INJUSTICE. GOA DOES NOT WANT A CONVENTION AGAINST THE TAKING OF HOSTAGES TO BE USED AGAINST LIBERATION MOVEMENTS.

5. JAL HIJACKING IS A VERY DELICATE AFFAIR FOR GOA. EVEN THE JAPANESE GOVERNMENT BOUND ITSELF NOT TO RAISE QUESTIONS CONCERNING THE HIJACKERS IN ORDER TO OBTAIN RELEASE OF THE HOSTAGES. GOA IS A LITTLE SURPRISED, TAKING INTO ACCOUNT ITS CONCERN FOR ALGERIAN SOVEREIGNTY, THAT THERE ARE ONE OR TWO OTHER GOVERNMENTS WHICH WISH TO INVOLVE THEMSELVES IN THIS AFFAIR. WHILE GOA MAY HAVE FURTHER INFORMATION LIMITED OFFICIAL USE

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TO COMMUNICATE TO USG REGARDING ITS POLICY ON TERRORISM, IT WILL NOT MAKE ANY FURTHER RESPONSE CONCERNING THE HI-JACKERS OR THE RANSOM.

6. IN SUBSEQUENT EXCHANGE DEBAGHA RAISED ISSUE OF GOVERNMENTS WHICH USE HIJACKING TO ACHIEVE STATE ENDS, STATING THAT FRENCH HIJACKING OF BEN BELLA AND HIS COLLEAGUES WAS FIRST INSTANCE OF AERIAL HIJACKING. HE ALSO EXPRESSED SURPRISE USG WOULD INTERFERE WITH ALGERIAN SOVEREIGNTY TO EXTENT OF INSISTING JAL HIJACKERS BE IMPRISONED. IN RESPONSE THESE AND EARLIER POINTS, BISHOP NOTED THAT HI-JACKING AN INTERNATIONAL PROBLEM WHICH CONCERNS GLOBAL COMMUNITY; JAL HIJACKING INVOLVED U.S. CITIZENS; WORLD TENSIONS WILL PERSIST FOREVER AND THEIR EXISTENCE IS NO REASON NOT TO TRY TO STOP HIJACKING; USG BELIEVES ITS GOOD RELATIONS WITH GOA PERMIT IT TO RAISE ANY TOPIC WHICH MAY CONCERN U.S., WITHOUT, OF COURSE OBLIGING GOA TO RESPOND; AND U.S. NOT TELLING GOA WHAT IT SHOULD DO WITH HIJACKERS BUT STATING U.S. BELIEVES IMPRISONMENT WOULD BE APPROPRIATE. CHRISTOPHER

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